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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Afshin Moshrefi

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

07/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/820,966	Applicant(s) MOSHREFI ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-50, 56, 57, 59-62 and 64-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-50, 56, 57, 59-62, 64 and 65 is/are allowed.
- 6) ☒ Claim(s) 38-47, 66-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-8-04, 2-8-06, 6-11-07</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-39, 41-47 are rejected under 35 U.S.C 102(e) as being anticipated by Cruickshank (US PAT: 6,704,294).

Regarding claim 38, Cruickshank discloses a method of video conferencing comprising: establishing a circuit switched connection between a first party (110, fig. 1) and a second party (120, fig. 1, col. 1 lines 8-12), retrieving, responsive to establishment of the circuit switched connection, network address associated with the first and second parties from a remote database (118, fig. 1), establishing based on the retrieved network addresses (col. 3, line 66 – col. 5, line 7), a packet switched connection between the first party and second party to transmit video (claims 1-4).

Regarding claim 39, Cruickshank further teaches the following: circuit switched connection is established to transmit audio (col. 5 lines 5-8).

Regarding claim 41, Cruickshank further teaches the following: video is transmitted contemporaneously with audio (claim 4, col. 5 lines 5-8).

Regarding claim 42, Cruickshank further teaches the following: circuit switched connection connects a first telephone (110, fig. 1) associated with a first party to a second telephone (120, fig. 1) associated with the second party (claim 1).

Regarding claim 43, Cruickshank further teaches the following: packet switched connection is established across internet (col. 2 lines 32-42).

Regarding claim 44, Cruickshank further teaches the following: packet switched connection connects a first computer (112, fig. 5) associated with a first party to a second computer (512, fig. 5) associated with the second party (col. 5 lines 60-66).

Regarding claim 45, Cruickshank further teaches the following: first telephone number is associated with the first telephone (110, fig. 1) and a second telephone number is associated with the second telephone (120, col. 4 lines 11-36).

Regarding claim 46, Cruickshank further teaches the following: retrieving network addresses from the remote database (118, fig. 1) comprises performing a look-up of the remote database using the first and second telephone numbers (col. 4 lines 11-36).

Regarding claim 47, Cruickshank further teaches the following: the network addresses comprises Internet Protocol (IP) addresses (col. 4 lines 11-36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 66-67, 69, 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Arnott (US2002/0083462A1, filed 12-21-2000).

Regarding claim 66, Cruickshank discloses a method, comprising: receiving called party identifier (120, fig. 1) of a called party from a calling party (110, fig. 1) having a calling party identifier, establishing a circuit switched connection between the calling party (110, fig. 1) and the called party (120, fig. 1, claim 1), determining, responsive to establishment of a circuit switched connection, a called party IP address based on the called party identifier, determining a calling party IP address based on the calling party identifier(col. 3, line 66 – col. 5, line 26).

Cruickshank differs from claimed invention in that although he teaches exchanging audio and video in collaboration conference (claim 4, col. 5 lines 5-8), he does not explicitly teach: receiving a first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address.

However, Arnott discloses apparatus and method for establishing audio and video conferencing which teaches the following: receiving a first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address (paragraph: 0011; 0024; 0029, fig. 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: receiving a first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address as this arrangement would facilitate to exchange audio and video for a video conference between users as taught by Arnott.

Regarding claim 67, Cruickshank further teaches the following: receiving a request from the calling party to initiate a video conference (this is implied as much as reference teaches requesting collaboration between two users which involve both exchange of audio and video (claims 1-4), sending a notification message to the calling party and the called party to request acceptance of video conference and receiving return messages from the calling party and called party accepting video conference (col. 3, line 66 – col. 8, line 2).

Regarding claim 69, Cruickshank further teaches the following: called party identifier and the calling party identifier are PSTN telephone numbers (col. 4 lines 11-36).

Regarding claim 70-71, Cruickshank further teaches the following: determining the called party IP address includes a first database associating the called party identifier with called party IP address, and wherein the determining of the calling party IP address includes accessing a second database associating the calling party IP

address (col. 4 lines 11-36; col. 6, line 65 – col. 7, line 4), the first database and second database are the same.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Thompson et al. (US 2001/0056466A1, filed 12-19-2000, hereinafter Thompson).

Cruickshank differs from claim 40 in that he does not teach the following: packet switched connection is further established to transmit audio.

However, Thompson discloses communication system which teaches the following: packet switched connection is further established to transmit audio (paragraphs: 0005-0006, 0017, 0038).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: packet switched connection is further established to transmit audio as this arrangement would facilitate transmitting voice through packet network as taught by Thompson, thus providing well known method for transmitting audio.

6. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Arnott as applied to claim 67 above, and further in view of Diamant et al. (US 2002/0071539A1, filed 12-12-2000, hereinafter Diamant).

The combination differs from claim 68 in that although he teaches exchanging messages to set up collaboration call (abstract); he does not teach the following: first message and the second message is sent via instant messaging, notification message and return messages are by instant messaging.

However, Diamant discloses method and apparatus for telephony enabled instant messaging which teaches the following: exchanging instant messages for setting up a conference call, notification message and return messages are by instant messaging for setting up a conference call (paragraph: 0004).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: first message and the second message is sent via instant messaging and notification message and return messages are by instant messaging for setting up a conference call as this arrangement would facilitate to set up conference call as taught by Diamant, thus facilitating call set up using instant messaging.

Response to Arguments

7. Applicant's arguments filed on 10-22-07 with respect to claims 38-47 have been fully considered but they are not persuasive.

Rejection of claims 38-39, 41-47 under 35 U.S.C 102(e) as being anticipated by Cruickshank (US PAT: 6,704,294): regarding rejection of claim 38 using Cruickshank, Applicant alleges that "For example, Cruickshank does not disclose or suggest retrieving, responsive to establishment of a circuit switched connection, network addresses, associated with each of the first and second parties from a remote database". Regarding this, as explained in the office action dated 1-7-2008, Cruickshank teaches: In operation, the person making the call pick up the receiver of the telephone 110 and press the designated "collaboration" button. After hearing distinctive dial tone (to confirm that he has been "connected" to a collaboration facility of

PBX 114) he dials the identification number of the intended recipient of the collaboration call. Typically, this number identification might be collaboration call recipient telephone number, extension number, or numerical equivalent recipient's name. The identification number is transmitted to application 116 residents in PBX 114 (col. 3, line 66 – col. 4, line 10). This clearly reads on applicant's claim limitation: retrieving, responsive to establishment of a circuit switched connection, network addresses associated with each of the first and second parties from a remote database as required by claim 38 because once PBX receives the telephone number of the recipient's telephone number, the PBX would proceed to establish a call between the collaborators along with establishing data connection by retrieving IP addresses of the collaborators and using them to establish data connection using data network. In fact this is similar to what the Applicant's specification discloses: Applicant's specification discloses: To begin the exemplary process, a central office) (e.g., central office 125) may receive a called party number from a telephone (e.g., telephone 152). The central office and SS7 network 145 may set up a circuit switched audio connection between the called party number and calling party number. The number of the calling party may be retrieved using, for example, the conventional "caller ID". The central office may further send a video set up message containing the called party and calling party number to server 140 via network 135. Server 140 may look up, in table 405 of database, network addresses 420 corresponding to each of the received calling/called party numbers (Paragraph: 0039 of Applicant's specification). Therefore, Cruickshank still reads on Applicant's claims 38-39, 41-47 and their rejection is maintained.

Further, as applicant should know, once telephone call is initiated, all this process such as establishment of telephone connection, retrieving network addresses from a remote database to set up internet connection in Cruickshank happens at electronic speed. This is similar to what applicant's disclosure is doing to set up telephone connection and internet connection by retrieving addresses as explained above.

Applicant's arguments regarding dependent claims 39 and 41-47 is tied to independent claim 38 being patentable which is not as explained above.

Rejection of claims 66-67, 69-71 under 35 U.S.C 103(a) as being obvious over Cruickshank in view of Arnott (US2002/0083462A1, filed 12-21-2000): Regarding rejection of claim 66 using the above combination of references, Applicant's arguments regarding amended claim 66 is similar to those of claim 38, explanation provided in connection with claim 38 is still applicable with respect to Cruickshank reference without invoking Arnott reference. The combination of Cruickshank in view of Arnott teaches the limitations of amended claim 66 as set forth on the office action above. Therefore, rejection of claim 66 is maintained.

Applicant's arguments regarding rejection dependent claims 40, 68, 69-71 are tied to independent claims 38 and 66 being patentable which are not as explained above in responding to applicant's arguments on claims 38 and 66.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614